

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5176 of 2015

1. Chhote Lal, S/o Nohar Sai Ekka, aged about 62 years,
2. Nilesh Kumar Ekka, S/o Chhote Lal, aged about 27 years,

Both are R/o Village Kotaktal, Police Station Patna, Tahsil Baikunthpur,
Revenue and Civil District Korea (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Police Station Patna, District Korea (C.G.)

---- Non-applicant

For Applicants:	Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant:	Mr. Neeraj Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/10/2015

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.126/2015, registered at Police Station Patna, Distt. Korea, for the offence punishable under Sections 341, 294, 506, 323, 324, 325 and 307 read with Section 34 of the IPC.
2. Learned counsel for the applicant seeks to withdraw this bail application so far as it relates to applicant No.2 Nilesh Kumar Ekka, with liberty to repeat after charge-sheet is filed.
3. The bail application so far as it relates to applicant No.2 Nilesh Kumar Ekka, is dismissed as withdrawn with aforesaid liberty.
4. Case of the prosecution, in brief, is that on 23-7-2015, the applicants assaulted Jaljeet & Parasram by lathi by which they suffered grievous injury

on leg and suffered fracture which was sufficient to cause death.

5. Learned counsel for the applicants submits that applicant No.1 Chhote Lal has not committed any offence and he has been falsely implicated in the case. Only lathi has been seized, injury is said to have been caused on leg by other co-accused, no sharp-edged weapon has been seized from applicant No.1 and axe has been recovered from applicant No.2 Nilesh Kumar Ekka.
6. On the other hand, learned State counsel opposes the application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of applicant No.1 Chhote Lal, his pretrial detention, nature of injury, axe has been recovered from applicant No.2 Nilesh Kumar Ekka, I am of the view that it is a fit case to enlarge applicant No.1 Chhote Lal on regular bail. Accordingly, the application so far as it relates to applicant No.1 Chhote Lal, is allowed.
9. It is, therefore, directed that applicant No.1 Chhote Lal be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge